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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,584	06/16/2006	Tatsuaki Mitsumata	P30080	8064
52123 7590 11/26/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER DANG, HUNG Q	
			ART UNIT 2484	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/596,584	Applicant(s) MITSUMATA, TATSUAKI	
	Examiner Hung Q. Dang	Art Unit 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2010 and 06 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14, 16-20, 24 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14, 16-20, and 24-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 07/13/2010 with respect to claim 9 described on pages 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 07/13/2010 with respect to claim 14 and 25 have been fully considered but they are not persuasive.

On pages 11-12, Applicant argues that Browne, Nitta, and Johnson do not disclose the features of "users can be assigned, respectively, to one or a plurality of storage areas in a storage, and to one or a plurality of storage areas in each of one or a plurality of appliances via an operator, and information of the user assigned to each storage area is presented to the user. In particular, the television broadcasting receiving device defined in independent claim 14 includes a storage that has at least one storage area and stores data generated and updated when the data broadcasting is reproduced. An operator assigns at least one user to a respective at least one storage area in the storage and to at least one storage area in each of the at least one appliance. An instructor gives an instruction to reproduce the data broadcasting by the reproducer, and a presenter presents to a user information of the at least one user assigned to the at least one storage area in the storage and of the at least one user assigned to the at least one storage area in each of the at least one appliance in response to the instruction to reproduce the data broadcasting by the instructor."

In response, Examiner respectfully disagrees. First of all, Browne teaches the storage area storing the programs is shared among many users who use the multi-source recorder player as described on p. 26, lines 5-39 and shown in Fig. 6. Also, the appliances are also shared by many users that includes VCRs as described on p. 15, line 19-27 and p. 16, lines 10-14, wherein the storage in the VCR are used by many users who share the use of the multi-source recorder player as further described on p. 26, lines 5-39. Browne also teaches the user is free to select a destination appliance as further disclosed on p. 26, line 30 - p. 27, line 10.

Johnson teaches the concept of administrating the storage space in any device that are used or shared by a plurality of users by assigning at least one user to a respective storage area in a storage of a device to eliminate hoarding of the storage space by only one user or application (see at least Fig. 10; Fig. 11 – wherein the percentage of storage area is controlled by an administrator as further described on page 2, lines 5-6).

Clearly, one of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Johnson into each of the storage and the storage of each appliance taught by Browne to implement a controllable policy in using the storage space by users on the shared devices. As such, the same policy can be applied both to the multi-source recorder player as well as appliances that have storage device such as VCRs taught by Browne.

Further, while Browne discloses recording and reproduction are performed simultaneously (*see at least p.8, lines 15-23*), the teachings of Nitta, which discloses a

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presentation unit presents information related to storages in response to the instruction to record the data broadcasting by an instruction device (*see column 5, lines 14-34*) can be applied to display the storage information that a particular user has during a simultaneous recording and reproducing session.

It is noted that when applying the teachings of Nitta, then information to the current user (that is, the user that is currently active and recording and reproducing of the data broadcasting) is displayed since that is the only relevant information. For example, it does not make sense if a user is presented with information regarding storage allocation of another user since to the current user that information is irrelevant and unusable.

As such, Applicant's arguments are not persuasive.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 25 is rejected under 35 U.S.C. 101 the claimed invention is directed to non-statutory subject matter. .

Claim 25 is rejected under 35 U.S.C. 101 based on Supreme Court precedent and recent Federal Circuit decisions, a 35 U.S.C § 101 process must (1) be tied to a particular machine or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. In re Bilski et al, 88 USPQ 2d 1385 CAFC (2008); Diamond v. Diehr, 450 U.S. 175, 184 (1981); Parker v. Flook, 437 U.S. 584, 588

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n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70 (1972); Cochrane v. Deener, 94 U.S. 780,787-88 (1876).

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a § 101 statutory process, the claim should positively recite the particular machine to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

Here, applicant's method steps are not tied to a particular machine and do not perform a transformation. Thus, the claims are non-statutory.

The mere recitation of the machine in the preamble with an absence of a machine in the body of the claim fails to make the claim statutory under 35 USC 101. Note the Board of Patent Appeals Informative Opinion Ex parte Langemyer et al.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983 – hereinafter Browne) and Sull et al. (US 2002/0069218 – hereinafter Sull).

Regarding claim 9, Browne discloses a television broadcasting receiving device that can be connected to at least one appliance adapted to reproduce data broadcasting, comprising: a receiver that receives television broadcasting and data broadcasting (*Fig. 1; p. 6, lines 1-12; p. 9, lines 4-32 – via multiple input connections, each of which receives an input signal*); a reproducer that reproduces at least one of the television broadcasting and the data broadcasting received by said receiver (*p. 14, lines 9-25 – wherein the reproduction is performed by decoding and presenting programs for viewing*); a storage that stores data generated and updated when said data broadcasting is reproduced (*p. 11, line 28 – p. 12, line 32; p. 20, lines 17-27 – wherein the data generated and updated are viewing patterns that are collected from user's input when said data broadcasting is reproduced or p. 25, lines 12-23 – wherein titles and/or other information for programs broadcast with the program are retrieved, updated and stored*); a setter that sets the at least one appliance to acquire data related to the data broadcasting (*p. 7, lines 1-4; p. 14, lines 19-25; p. 16, lines 4-33; p. 26, line 30 – p. 27, line 16 – wherein at least an appliance is set via routing to a selected output – wherein the data broadcasting is at least the video data and the data related to data broadcasting is interpreted as titles and/or other information for programs broadcast with the program are interpreted as data related to data broadcasting, the recited appliance corresponds to the monitor that displays the stored program list shown in Fig. 6 and described on page 24, lines 18-29*); an instructor that gives an instruction to reproduce the data broadcasting by said reproducer (*p. 14, lines 3-23; p. 15, lines 28-29; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon*

user's selection and the controller further instructs the reproduction so that data broadcasting is read, decompressed, and outputted to selected destinations); and a controller that transmits a request to reproduce the data related to the data broadcasting to the at least one appliance set using said setter in response to the instruction to reproduce the data broadcasting by said instructor (p. 8, line 24 – p.9, line 3; p. 14, lines 3-23; p.15, lines 28-29; p.17, lines 16-23; p.20, lines 6-16; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon user's selection and the controller further transmits a request to perform the reproduction so that the video data and associated audio data is read or taken from inputs, decompressed, and outputted to selected destinations or p. 25, lines 12-23 – wherein titles and/or other information for programs broadcast with the program are interpreted as data related to data broadcasting, the recited appliance corresponds to the monitor that displays the stored program list shown in Fig. 6 and described on page 24, lines 18-29).

However, Browne does not disclose the controller that receives the data related to the data broadcasting, causes said storage to store the received data related to the data broadcasting and causes said reproducer to start a reproduction of the data broadcasting, and transmits the data related to the data broadcasting that is updated in said storage to the set at least one appliance when the reproduction of the data broadcasting by said reproducer is over.

Sull discloses a controller that receives data related to data broadcasting ([0285]; [0301] – *wherein the multimedia bookmark system or server collects textual annotation describing a bookmark that the user made on the data broadcasting on viewing – the*

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bookmark is related to the data broadcasting as further described at least in [0252]-[0261]), causes a storage to store the received data related to the data broadcasting ([0263]; [0285]; [0287] – wherein the multimedia bookmark system or server collects textual annotation describing a bookmark that the user made on the data broadcasting on viewing – the server collects and analyzes the received data from the users using at least a queue and attaching the data to the corresponding position of the video stream or stored at the server's storage as described in [0263]) and causes said reproducer to start a reproduction of the data broadcasting ([301] – wherein the server starts delivering the data for playback on a client device), and transmits the data related to the data broadcasting that is updated in said storage to the set at least one appliance when the reproduction of the data broadcasting by said reproducer is over ([0282]– wherein the server delivers and associates the metadata with the bookmark to the client to represent the common/view description among a large number of users who are attached to the corresponding position of the video stream – further, as further described in [0301]-[0303] - such processes are performed when the user makes a bookmark that marks a termination point of reproduction for later playback – as such the above processes are performed when said reproducer does not reproduce the corresponding the data broadcasting for playback).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate to enhance the playback interface of the system so that users can bookmark and return to a point of interest of the reproduced data.

Regarding claim 10, Browne and Sully also disclose said controller receives from the set at least one appliance, when it transmits the request to reproduce the data related to the data broadcasting to the set at least one appliance in response to the instruction to reproduce the data broadcasting by said instructor (*Browne: p. 14, lines 3-23; p.15, lines 28-29; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon user's selection and the controller further instructs the reproduction so that data broadcasting is read, decompressed, and outputted to selected destinations*), a flag indicating whether or not the data related to the data broadcasting is used, and determines whether or not the data related to the data broadcasting can be received on the basis of said flag (*Sully: a particular field identified by a <Param name> tag shown in Table 3 in [0266] can indicate whether a particular data related to the data broadcasting is used - based on the value of the field, whether or not the data related to the data broadcasting can be received can be determined, e.g invalid file name or broken URL as further described in [0217]-[0219]*).

Regarding claim 11, Browne also discloses said controller transmits, when it receives a request to transmit the data related to the data broadcasting from the at least one appliance, the data stored in said storage to said at least one appliance (*p. 8, line 24 – p.9, line 3; p. 24, lines 18-29; p. 25, lines 13-23*).

Regarding claim 12, Browne also discloses said controller sets, when it transmits the data stored in said storage to said other appliance in response to the request to transmit the data from said at least one appliance, said storage to unusability (*p. 20, lines 6-16; p. 25, line 24 – p. 26, line 4 – wherein setting to unusability is via locking*).

Regarding claim 13, Browne also discloses said controller writes, when it transmits the data stored in said storage to said at least one appliance and then receives data from said at least one appliance after transmitting the data to said other appliance, the received data from said at least one appliance into said storage, and sets said storage to usability (*p.8, line 24 – p. 9, line 3; p. 25, line 24 – p. 26, line 4 - wherein setting to usability is via unlocking*).

Regarding claim 24, Browne discloses television broadcasting receiving method for receiving data broadcasting using a television broadcasting receiving device that can be connected to at least one appliance adapted to reproduce data broadcasting (*Fig. 1; p. 6, lines 1-12; p. 9, lines 4-32 – via multiple input connections, each of which receives an input signal*), comprising: setting an appliance to acquire data related to the data broadcasting (*p. 7, lines 1-4; p. 14, lines 19-25; p. 16, lines 4-33; p. 26, line 30 – p. 27, line 16 – wherein at least an appliance is set via routing to a selected output – wherein the data broadcasting is at least the video data and the data related to data broadcasting is interpreted as titles and/or other information for programs broadcast with the program are interpreted as data related to data broadcasting, the recited appliance corresponds to the monitor that displays the stored program list shown in Fig. 6 and described on page 24, lines 18-29*); giving an instruction to reproduce the data broadcasting (*p. 14, lines 3-23; p.15, lines 28-29; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon user's selection and the controller further instructs the reproduction so that data broadcasting is read, decompressed, and outputted to selected destinations*); transmitting a request to transmit the data related to

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the data broadcasting to the appliance set in response to the instruction to reproduce the data broadcasting (*p. 8, line 24 – p.9, line 3; p. 14, lines 3-23; p.15, lines 28-29; p.17, lines 16-23; p.20, lines 6-16; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon user's selection and the controller further transmits a request to perform the reproduction so that the video data and associated audio data is read or taken from inputs, decompressed, and outputted to selected destinations or p. 25, lines 12-23 – wherein titles and/or other information for programs broadcast with the program are interpreted as data related to data broadcasting, the recited appliance corresponds to the monitor that displays the stored program list shown in Fig. 6 and described on page 24, lines 18-29).*

However, Browne does not disclose receiving the data related to the data broadcasting from said set appliance; storing the received data related to the data broadcasting; reproducing the data broadcasting and updating the stored data related to the data broadcasting; and transmitting the updated data related to the data broadcasting to the set appliance when the reproduction of the data broadcasting is completed.

Sull discloses receiving the data related to the data broadcasting from said set appliance ([0285]; [0301] – *wherein the multimedia bookmark system or server collects textual annotation describing a bookmark that the user made on the data broadcasting on viewing – the bookmark is related to the data broadcasting as further described at least in [0252]-[0261]*); storing the received data related to the data broadcasting ([0263]; [0285]; [0287] – *wherein the multimedia bookmark system or server collects*

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textual annotation describing a bookmark that the user made on the data broadcasting on viewing – the server collects and analyzes the received data from the users using at least a queue and attaching the data to the corresponding position of the video stream or stored at the server's storage as described in [0263]); reproducing the data broadcasting and updating the stored data related to the data broadcasting ([301] – wherein the server starts delivering the data for playback on a client device); and transmitting the updated data related to the data broadcasting to the set appliance when the reproduction of the data broadcasting is completed ([0282]– wherein the server delivers and associates the metadata with the bookmark to the client to represent the common/view description among a large number of users who are attached to the corresponding position of the video stream – further, as further described in [0301]- [0303] - such processes are performed when the user makes a bookmark that marks a termination point of reproduction for later playback – as such the above processes are performed when said reproducer does not reproduce the corresponding the data broadcasting for playback).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Sully into the method taught by Browne to enhance the playback interface of the method so that users can bookmark and return to a point of interest of the reproduced data.

Claims 14, 16-20, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne, Johnson et al. (US 2003/0154485 – hereinafter Johnson), and Nitta et al. (EP 0584991 - hereinafter Nitta).

Regarding claim 14, Browne discloses a television broadcasting receiving device that can be connected to at least one appliance adapted to reproduce data broadcasting, comprising: a receiver that receives television broadcasting and data broadcasting (*Fig. 1; p. 6, lines 1-12; p. 9, lines 4-32 – via multiple input connections, each of which receives an input signal*); a reproducer that reproduces at least one of the television broadcasting or the data broadcasting received by said receiver (*p. 14, lines 9-25 – wherein the reproduction is performed by decoding and presenting programs for viewing*); a storage that has at least one storage area and stores data generated and updated when said data broadcasting is reproduced (*p. 11, line 28 – p. 12, line 32; p. 20, lines 17-27 – wherein the data generated and updated are viewing patterns that are collected from user's input when said data broadcasting is reproduced or p. 25, lines 12-23 – wherein titles and/or other information for programs broadcast with the program are retrieved, updated and stored*); an instructor that gives an instruction to reproduce the data broadcasting by said reproducer (*p. 14, lines 3-23; p. 15, lines 28-29; p. 24, lines 18-24 – wherein the data broadcasting is instructed to be reproduced upon user's selection and the controller further instructs the reproduction so that data broadcasting is read, decompressed, and outputted to selected destinations*); and a presenter that presents to a user information of the at least one user assigned to said at least one storage area in said storage and of the at least one user assigned to said at least one storage area in each of said at least one appliance in response to an instruction issued by said instructor (*Fig. 3; p. 20, lines 2-16*). Browne also discloses users are sharing the storage area (*Fig. 6 – wherein the storage area storing the*

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programs is shared among many users who use the multi-source recorder player as described on p. 26, lines 5-39) and the storage area in each of said at least one appliance (p. 15, line 19-27; p. 16, lines 10-14 – wherein the storage in the VCR are used by many users who share the use of the multi-source recorder player as described on p. 26, lines 5-39 – the user is free to select a destination appliance as further disclosed on p. 26, line 30 - p. 27, line 10); and a presenter presents to a user information related to said storage and information related to storages in said other one or plurality of appliances in response to an instruction issued by said instruction device (Fig. 3; p. 20, lines 2-16). Browne also discloses recording and reproduction are performed simultaneously (p.8, lines 15-23).

However, Browne does not disclose an operator that assigns at least one user to a respective at least one storage area in said storage and to at least one storage area in each of said at least one appliance; the presenter that presents to a user the information in response to an instruction to reproduce the data broadcasting issued by said instructor.

Johnson discloses an operator that assigns at least one user to a respective storage area in a storage of a device (*Fig. 10; Fig. 11 – wherein the percentage of storage area is controlled by an administrator as further described on page 2, lines 5-6*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Johnson into each of the storage and the storage of each appliance taught by Browne to eliminate hoarding of the storage space

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by only one user or application as such would result in a controllable fair use of storage space by users on the shared devices.

However, Browne and Johnson do not disclose the presenter that presents to a user the information in response to an instruction to reproduce the data broadcasting issued by said instructor.

Nitta discloses a presenter presents information related to storages in response to the instruction to record the data broadcasting by an instruction device (*column 5, lines 14-34*).

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the teachings of Nitta into the television broadcasting receiving device disclosed by Browne and Johnson and so that the data can be controlled dynamically in accordance with the recording capacity of the storages (*Nitta, column 2, lines 28-35*) providing flexibility in recording. Noting that in combination with Browne, when the recording and reproduction are performed simultaneously according to an instruction (*Browne, p.8, lines 15-23*), the instruction is interpreted to simultaneously record and reproduce the data, thus accommodating the limitation of the claim.

Regarding claim 16, Browne also discloses a selector that selects any one of said at least storage area and said at least one storage area in each of said at least one appliance on the basis of the at least one user presented by said presenter (*Fig. 3; Fig. 6; p. 20, lines 6-16; p. 20, line 28 – p. 21, line 3*), and a controller that transmits, when said selector selects a storage area in any of the at least one appliance, a request

to transmit the data related to the data broadcasting to the selected appliance (*Fig. 3; Fig. 6; p. 8, line 24 – p.9, line 3; p. 20, lines 6-16; p. 20, line 28 – p. 21, line 3*).

Regarding claim 17, Browne also discloses said controller writes, when it receives the data related to the data broadcasting from said selected appliance in response to said request, the received data from said selected appliance into said storage (*p. 8, line 24 – p.9, line 3; p. 25, lines 13-23*).

Regarding claim 18, Browne also discloses said controller transmits, when it receives a request to transmit data related to the data broadcasting from said at least one appliance, data stored in said selected storage area in said storage to said at least one appliance (*p. 8, line 24 – p.9, line 3; p. 24, lines 18-29; p. 25, lines 13-23*).

Regarding claim 19, Browne also discloses said controller sets, when it transmits the data stored in said selected storage in said storage to said at least one appliance in response to said request from said at least one appliance, said selected storage area to unusability (*p.20, lines 6-16; p. 25, line 24 – p. 26, line 4 – wherein setting to unusability is via locking*).

Regarding claim 20, Browne also discloses said controller writes, when it transmits the data stored in said selected storage area to said at least one appliance and then receives data from said at least one appliance, the received data from said at least one appliance into said storage, and sets said storage to usability (*p.8, line 24 – p. 9, line 3; p.20, lines 6-16; p. 25, line 24 – p. 26, line 4 - wherein setting to usability is via unlocking*).

Claim 25 is rejected for the same reason as discussed in claim 14 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is (571)270-1116. The examiner can normally be reached on IFT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THAI Q. TRAN can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung Q Dang/
Examiner, Art Unit 2484

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2484